

WARSHAW
BURSTEIN

WARSHAW BURSTEIN, LLP
575 Lexington Avenue
New York, NY 10022
(212) 984-7700
www.wbny.com

MEMO ENDORSED



HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

DATED: September 6, 2024

The temporary seal requested herein is granted. The Clerk of Court is directed to maintain the viewing restrictions on ECF No. 344 until September 20, 2024. If CIBC desires to seal that information permanently, it should submit by September 19, 2024, a letter explaining the grounds that support sealing, consistent with Lugosch v. Pyramid Co. of Onondaga, 435 F. 3d 110 (2d Cir. 2006). The Clerk of Court is respectfully directed to terminate the motion at ECF No. 343.

FELICIA ENNIS
PARTNER

DIRECT DIAL: 212-984-7753
EMAIL: FENNIS@wbny.com

September 4, 2024

VIA ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
United States District Court for the Southern District of New York
500 Pearl Street, New York, NY 10007

Re: Harrington Global Opportunity Fund, Ltd. v. BofA Securities, Inc., No. 21-CV-761

Dear Judge Figueredo:

We write on behalf of Plaintiff Harrington Global Opportunity Fund, Limited (“Harrington”) in the above-captioned matter. Pursuant to the Protective Order in this action (ECF No. 111), we write to request approval to file under seal, and with public redactions, Harrington’s letter-motion to compel compliance with a subpoena served on a nonparty whose identity CIBC has designated as Confidential Discovery under the Protective Order.

The Protective Order provides that the parties “may designate as confidential for protection under this Protective Order, in whole or in part, any document, information, or material that constitutes or includes, in whole or in part, confidential or proprietary information or trade secrets of the Party or a Third Party to whom the Party reasonably and in good faith believes it owes an obligation of confidentiality with respect to such document, information, or material.” CIBC has designated the identity of the subpoenaed nonparty as Confidential Discovery, and Harrington therefore seeks to file its letter-motion under seal and with references to this nonparty’s identity publicly redacted.

Pursuant to Your Honor’s Individual Practices in Civil Cases, Harrington will file its letter-motion with proposed redactions and electronically file under seal a copy of the unredacted letter.

Finally, the below Appendix lists the parties and their counsel of record who should have access to the sealed documents.

Warshaw Burstein, LLP

Hon. Valerie Figueiredo
September 4, 2024
Page 2 of 3

Respectfully submitted,

WARSHAW BURSTEIN LLP

By: /s/ Felicia Ennis
Alan M. Pollack
Felicia S. Ennis
Thomas Filardo
Leron Thumim
Meghan Hallinan
Matthew A. Marcucci
575 Lexington Avenue, 7th Floor
New York, New York 10022
Tel.: (212) 984-7700
apollack@wbny.com
fennis@wbny.com
tfilardo@wbny.com
lthumim@wbny.com
mhallinan@wbny.com
mmarcucci@wbny.com

CHRISTIAN ATTAR
James Wes Christian
Ardalan Attar
2302 Fannin, Suite 205
Houston, Texas 77002
Tel.: (713) 659-7617
jchristian@christianattarlaw.com
aattar@christianattarlaw.com

cc: All counsel via ECF

[REDACTED] (by electronic mail to [REDACTED])